

UNITED STATES DISTRICT COURT
District of Oregon

UNITED STATES OF AMERICA

v.

Andrew Alan Wiederhorn

AMENDED

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: Cr. 04-238-BR

Mark Blackman and Brian O'Neill

Defendant's Attorney

THE DEFENDANT:

 x pleaded guilty to count(s) 1 and 2 of the Information .

 pleaded nolo contendere to count(s) which was accepted by the court.

 was found guilty on count(s) after a plea of not guilty.

Accordingly, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC § 1954	Payment of Gratuities	1998 through January 1999	1
26 USC § 7206(1)	Filing False Tax Return	October 1999	2

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

 The defendant has been found not guilty on count(s) , and is discharged as to such count(s).
 Count(s) (is)(are) dismissed on the motion of the United States.

 X Defendant shall pay a special assessment in the amount of \$ \$200.00 for Count(s) 1 and 2 payable immediately to the Clerk, U.S. District Court.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and the United States Attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: June 3, 2004



Signature of Judicial Officer

Anna J. Brown

U.S. District Court Judge

Name & Title of Judicial Officer

Date: November 30, 2004

Defendant: Andrew Alan Wiederhorn
Case Number: 04-238-BR

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 Months*.

X The court makes the following recommendations to the Bureau of Prisons: That the defendant should be placed in a camp as near to Oregon as possible because he has significant ties to the community.

___ The defendant is remanded to the custody of the United States Marshal.

___ The defendant shall surrender to the United States Marshal for this district:

___ at ___ on ___

___ as notified by the United States Marshal.

X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

X before 2 p.m. on August 2, 2004.

___ as notified by the United States Marshal and/or Pretrial Services.

* The Bureau of Prisons will determine the amount of prior custody that may be credited towards the service of sentence as authorized by Title 18 U.S.C. 3585(b) and the policies of the Bureau of Prisons.

RETURN

I have executed this judgment as follows:

Defendant delivered on: _____ to _____ at _____

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Andrew Alan Wiederhorn
Case Number: 04-238-BR

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Fine</u>	<u>Restitution</u>	<u>TOTAL</u>
\$ 25,000.00	\$ 2,000,000.00	\$ 2,025,000.00

___ The determination of restitution is deferred until ___ An Amended Judgment in a Criminal Case (AO 245c) will be entered after such determination.

X The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(I), all non-federal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Thomas Lennon Receiver Capital Consultants 7777 Alvarado Road, Suite 712 La Mesa, CA 91941		\$2,000,000.00	

TOTALS	\$ ___	\$ <u>\$2,000,000.00</u>
---------------	---------------	---------------------------------

___ If applicable, restitution amount ordered pursuant to plea agreement \$ ___

___ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

___ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

___ The interest requirement is waived for the ___ fine and/or
___ restitution.

___ The interest requirement for the ___ fine and/or ___ restitution is modified as follows:

Any payment shall be divided proportionately among the payees named unless otherwise specified.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.